

CHAPTER 2

RECRUITMENT & APPOINTMENT

Section 1. **Recruitment.**

(a) The Human Resources Division shall establish and administer a centralized system of recruiting applicants based on competencies, relative ability, knowledge, experience, and skills to meet the human resource requirements of the State.(b) To fill any vacant position, there shall be recruitment.

(c) All recruitment shall be determined by the Human Resources Division and in accordance with the State Recruitment Policy.

Section 2. **Applications.**

(a) Application for appointment shall be submitted in accordance with the State Recruitment Policy and received within the prescribed time limits for positions open for recruitment.

(b) A separate application shall be submitted for each position open for recruitment.

(c) Neither the issuance of recruitment nor an application form nor an invitation to apply shall be construed as incurring an obligation to accept or approve any application subsequently submitted.

(d) The Human Resources Division may stop or limit the acceptance of applications in any manner, which is useful and expedient for the recruitment involved.

Section 3. **Ineligibility of Applicants.**

(a) Applications may be rejected, and/or applicants refused further consideration, examination, or appointment for any of the following reasons:

(i) Failure of the application to show the applicant meets all minimum requirements established for the classification;

(ii) Failure of an applicant to submit requested application materials according to the established procedures and/or within the prescribed time period which are complete, legible, and comprehensible;

(iii) Making a false statement and/or otherwise practicing deception and/or fraud in connection with an application;

(iv) Cheating and/or otherwise attempting to secure an undue advantage on any examination and/or obtaining information regarding examinations to which the individual is not entitled;

(v) Failure to appear for a scheduled examination and/or interview;

(vi) Failure to pass any phase of the examination process;

(vii) Applicant is determined to be unable to effectively perform the essential functions of the job, with or without reasonable accommodation;

(viii) Applicant has been dismissed from State service;

(ix) Applicant has been found to have a record of unsatisfactory work performance;

(x) Applicant is currently abusing narcotics, intoxicating liquors, and/or other substances in a manner which would affect the ability to safely, dependably and/or effectively perform the duties of the job;

(xi) Applicant has been convicted of a crime and/or has a record of convictions, the nature of which is reasonably related to the applicant's fitness for employment for the job;

(xii) Applicant has used and/or attempted to use political and/or personal pressure and/or bribery to secure an advantage in obtaining employment;

(xiii) Applicant supports and/or belongs to any organization, which advocates illegal overthrow of the government of the United State and/or of the State of Wyoming;

(xiv) No person under sixteen (16) years of age shall be employed;

(xv) No person between sixteen (16) and eighteen (18) years of age shall be employed in an occupation defined as hazardous by the United States Secretary of Labor pursuant to the "Federal Fair Labor Standards Act of 1938," as amended 29 U.S.C. 201 et. seq., also known as the Act;

(xvi) Applicant has willfully violated any provisions of these rules; or

(xvii) For any other job related reason which adversely affects the applicant's suitability for appointment.

Section 4. Candidate Group.

(a) Unless otherwise specified by the Human Resources Division, the candidate group shall consist of all eligible applicants from a specific recruitment whom consideration for appointment may be given.

(b) The Human Resources Division shall make available, upon request, to the hiring authority the names and applications of the candidate group.

(c) A permanent employee, separated from service due to a reduction in force, shall automatically be in the candidate group for the classification held at the time of separation for a period of twenty-four (24) months:

(i) A permanent employee, separated from service due to a reduction in force, shall be a state employee for a period of twenty-four (24) months when applying for position vacancies limited to state employees.

Section 5. Examinations.

(a) Definition of Examination: Any process, procedure, rating, interview, test, evaluation, or assessment, whether scored or not scored, formal or informal, which affects a person's eligibility for, or consideration for, appointment.

(b) Examinations shall be administered in accordance with the State Recruitment Policy.

(c) Agency management shall inform the Human Resources Division of any examinations used during the recruitment process.

(d) The content and conduct of such examinations may be subject to the review and approval of the Human Resources Division:

(i) Agency management shall coordinate through the Human Resources Division in any examination development activities.

(e) Examinations conducted by agency management or hiring authorities for the purpose of employment decisions shall be job-related:

(i) Only applicants who have successfully applied for an active recruitment, meet the minimum requirements, and have otherwise been determined to be eligible for appointment shall be eligible for an examination.

(f) Hiring authorities shall consider an adequate number of the available candidates in order to provide for competitive selection:

(i) Hiring authorities shall keep records of candidates examined, including applications, dates, ratings, and other documentation of the results of final selection examinations for a time period specified in the State's Executive Branch Records Retention Schedules;

(ii) Hiring authorities shall be responsible for any adverse actions resulting from failure to consider any candidate, taking into account valid factors relevant to the needs of the vacant position.

(g) Hiring authorities shall make reasonable accommodations to assist applicants with disabilities in the examination process:

(i) It shall be the responsibility of the applicant to notify the hiring authority of any special needs.

Section 6. Veterans' Preference Points.

Veterans' Preference Points shall be in accordance with W.S. 19-14-102.

Section 7. Preconditions to Appointment.

(a) Except for appointments of agency heads by the Governor, emergency appointments, involuntary reappointments, and lateral reappointments within the same agency, all appointments shall be from among the candidate group from the specified recruitment for the specified classification.

(b) Minimum Requirements. Except for emergency appointments, no applicant shall be appointed until the following are met:

(i) Specified time periods as defined in the State Recruitment Policy have passed;

(ii) The processing of applications and the administration of examinations is complete;

(iii) It has been determined by the Human Resources Division that the applicant meets the minimum requirements of the classification and has passed any required evaluation;

(iv) It has been determined that the applicant is able to perform the essential functions of the job, with or without reasonable accommodation; and

(v) The applicant has an acceptable record of previous job performance;

(A) The performance and / or disciplinary file of current and former state employees shall be made available to the hiring agency upon notification to and written authorization from the Human Resources Division, of the current or former state employee's selection as the final candidate(s) for appointment.

(c) Applicants and individuals contracted to perform services for the State who have access to minors or to persons who are frail, elderly or suffering mental illness or developmental disabilities shall be required to submit to fingerprinting for the purpose of obtaining State or national criminal history record information before appointment or continued employment.

Section 8. Responsibilities of Hiring Authorities.

(a) Prior to making a commitment to hire, the hiring authority shall be responsible for determining that all of the following conditions are met:

(i) Prior to the hiring of any other candidate with no greater preference, a permanent employee separated by a reduction in force shall be offered reinstatement to a vacant position within the agency, within the division (as designated for purpose of reduction in force) last employed and within the class held at the time of separation;

(ii) An individual recommended for probationary appointment, reinstatement appointment, promotional appointment, voluntary reassignment, temporary appointment, or intermittent appointment is in the candidate group;

(iii) The appointment of the individual would not conflict with the rule on employment of relatives, Section 10 of this chapter;

(iv) All legal requirements pertaining to the classification including licensing and/or certifications are met.

(b) The hiring authority shall notify all qualified candidates that applied for the specific recruitment regarding the final status of the recruitment.

Section 9. Types of Appointment.

(a) Probationary Appointment. The appointment of a candidate in a civil service position who shall serve a three hundred and sixty-five (365) day probationary period:

(i) An individual given a probationary appointment is an at-will employee who has no expectation of continued employment and may be dismissed at any time during the probationary period;

(ii) Time served as an intern, emergency employee, temporary employee, or intermittent employee shall not count towards the probationary period;

(iii) Leave without pay and/or time received from donated sick leave shall not count towards the probationary period.

(b) Permanent Appointment. The appointment of an individual who has completed the probationary period:

(i) Permanent appointment shall be effective on the next day following completion of the three hundred and sixty-five (365) day probationary period.

(c) Appointment by Reinstatement. A permanent employee, separated from service due to a reduction in force, shall have reinstatement rights for a period of twenty-four (24) months to include employment status, leave accrual rates, longevity benefits and continuous service credits held at the time of separation:

(i) A permanent employee who separated from service due to a reduction in force shall have a right to decline offers of appointment without forfeiture of reinstatement rights when:

(A) The geographical area of the position vacancy is different from that at the time of separation;

(B) The position funding is temporary or time-limited;

(C) The classification is different from that at the time of separation; or

(D) The division is different from that at the time of the separation.

(d) At-Will Appointment. The appointment of a candidate to a position in a non-civil service position:

(i) An individual given at-will appointment is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

(e) At-Will Contract Appointment:

(i) At-will contract appointment shall require a signed written contract agreement and shall be in accordance with W.S. 9-2-1022(a)(xi)(F);

(ii) An individual appointed as an at-will contract employee is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason;

(iii) No work shall be performed by an individual until the contract has been approved in writing and signatures obtained by all parties to the contract including the Human Resources Division and the Attorney General;

(A) Salary and/or rates of pay shall be comparable to similar jobs in state government and shall not include adjustments for any type of benefit including leave, insurance premium, or retirement contribution;

(iv) Appointment as an at-will contract employee shall not count towards continuous state service for purposes of longevity payments;

(v) No at-will contract employee shall be eligible for or accrue any type of leave.

(f) Temporary Appointment. Temporary appointment shall not continue for more than nine (9) months without prior written approval of the Human Resources Division:

(i) Temporary appointment may be made to a position:

(A) Held by another employee who is on educational leave or other extended leave;

(B) Which is seasonal and or time-limited for a period of less than nine (9) months;

(ii) No individual shall receive successive temporary appointment into the same classification within an agency during any twelve (12) month period;

(iii) An individual given temporary appointment is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

(g) Intermittent Appointment. The employment of a candidate to perform work in a classification for varying time intervals, which shall not exceed nine (9) months full-time equivalent service:

(i) An individual given intermittent appointment is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

(h) Emergency Appointment. When an emergency threatening public health, safety or welfare exists requiring the immediate employment of additional workers, emergency appointment may be utilized with prior verbal approval of the Human Resources Division, except for emergencies occurring at night, or on weekends or holidays, in which case such emergency appointment shall be reported to the Human Resources Division on the following work day:

(i) Emergency appointment shall not exceed thirty (30) days;

(ii) Persons given emergency appointment shall submit application forms to the Human Resources Division as soon as practical;

(iii) An individual given emergency appointment is an at-will employee who has no expectation of continued employment and may be dismissed at any time without cause or reason.

(i) Appointment of Interns:

(i) All interns shall require justification and prior written approval of the Human Resources Division Administrator or designee;

(ii) An agency may offer an internship as on-the-job training for a limited period of time provided the following:

(A) The internship, even though it includes actual operation of the agency, is similar to training which would be given in an educational environment;

(B) The internship is for the benefit of the intern;

(C) The intern shall not displace regular employees, but works under close supervision of existing staff;

(D) The agency that provides the training receives no immediate advantage from the activities; and on occasion the operations may be impeded; and

(E) The intern is not necessarily entitled to a job at the conclusion of the internship unless they are in the candidate group of an active recruitment.

(j) Volunteer:

(i) All volunteer opportunities shall require justification and prior written approval of the Human Resources Division Administrator or designee;

(ii) Volunteers shall not displace regular employees;

(iii) State employees shall not volunteer additional time to do work.

(k) Promotional Appointment. The appointment of an employee to a different position in a different classification having a higher grade than the employee's current classification.

(l) Reassignment:

(i) Voluntary Reassignment. The reassignment of an employee seeking appointment to a position in a different classification having the same or lower grade than the employee's current classification;

(A) Voluntary Reassignments shall be from among applicants in the candidate group;

(ii) Involuntary Reassignment;

(A) An agency head shall consult with the Attorney General's Office and the Human Resources Division prior to involuntarily reassigning a permanent or probationary employee to a different position in a different classification having the same or lower grade than the employee's current classification because of a reduction in force, unsatisfactory work performance or other demonstrated reason affecting the accomplishment of program goals;

(B) Prior to a reduction in force, involuntary reassignment may be between agencies if both agency heads agree;

(C) Involuntary reassignments shall require the employee meets the minimum requirements for the new classification;

(D) Involuntary reassignments of an employee may have the requirement to conduct an active recruitment waived with prior written approval of the Human Resources Division;

(iii) Lateral Reassignment. The reassignment of an employee to a vacant position within the same classification as the employee's current position;

(A) A lateral reassignment of an employee to a vacant position within the same agency may have the requirement to conduct an active recruitment waived with prior written approval of the Human Resources Division;

(iv) Interim Assignment. The reassignment of an employee on an interim basis to a different position in a higher grade than the employee's current position;

(A) An agency head shall provide written notification to the Human Resources Division prior to providing an interim assignment to an existing agency employee;

(B) Interim assignment shall not exceed twelve (12) months;

(C) The same position shall not be filled by successive interim assignments by the same individual without the prior written approval of the Human Resources Administrator.

Section 10. Employment of Relatives.

(a) Agency heads may approve hiring a person who is a spouse, parent, stepparent, parent-in-law, child, stepchild, child-in-law, sibling, half-sibling, step-sibling, or sibling-in-law of any current employee in that agency.

(b) **Employee Marriage.** If two present employees of the same agency marry each other, they both may continue employment in that agency with the approval of the agency head and prior written notification to the Human Resources Administrator.

(c) An agency head shall ensure employees related to each other do not directly supervise a relative.

Section 11. Appointment of Non-U.S. Citizens.

(a) All employees, citizens and non-citizens, hired after November 6, 1986, and working in the United States shall complete Form I-9, Employment Eligibility Verification to document they are authorized to work in the United States:

(i) Each agency shall verify and maintain I-9 documentation according to the U.S. Citizenship and Immigration Services.

(b) Agencies shall only employ persons authorized to work in the United States.

(c) When an employee's work authorization expires, the agency shall verify the employee's employment eligibility:

(i) The employee shall present a document that shows either an extension of the employee's initial employment authorization or new work authorization;

(ii) If the employee cannot provide proof of current work authorization, the agency shall not continue to employ that individual.

(d) No agency shall be a sponsor or petitioner on behalf of any Non-U.S. Citizen without the express written consent of the Governor.

(e) No agency may contract with or permit a third party (e.g., a law firm) to petition any federal agency to change a Non-U.S. Citizen's immigration status without prior consultation with the Attorney General's Office, notification to the Human Resources Division and the written approval of the Governor.